

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/903,885	HALLIYAL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent P. Barth	2877	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 4 Sept.
2. ☒ The allowed claim(s) is/are 8-14 and 16-27.
3. ☒ The drawings filed on 12 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).**

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

## **DETAILED ACTION**

### ***Preliminary Comments***

1. The Terminal Disclaimer filed on 4 Sept. 2003 disclaiming the terminal portion of any patent granted on this Application which would extend beyond the expiration date of U.S. Patent No. 6,561,706 (13 May 2003) has been reviewed and is accepted. The Terminal Disclaimer has been recorded. Applicants' Amendments dated 4 September have also included new claims which contain allowable subject matter as written, and which were based on earlier claim language. Accordingly, the following represents a reasoned statement for allowability.

### ***Allowable Subject Matter***

2. Claims 8-14 and 16-27 are allowable, since the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations set forth therein.

3. Referring to Claim 8, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method of regulating nitrided gate oxide formations comprises defining the wafer as a plurality of portions, directing and collecting light on the gate oxide layer to determine the nitrogen concentration of at least one nitrided gate oxide layer and controlling the layer formers therefrom, in combination with the remaining limitations in the claim. Claims 9-13 are allowable based on their dependency upon the claim from which each is dependent. Referring to Claim 14, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method of regulating nitrided gate oxide formations comprises partitioning the wafer into grid blocks,

Art Unit: 2877


determining the nitrogen concentration of at least one nitrided gate oxide layer corresponding to respective grid blocks, and controlling the layer formers therefrom, in combination with the remaining limitations in the claim. Referring to Claim 16, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method of regulating nitrided gate oxide formations comprises defining the wafer as a plurality of portions, directing and collecting scattered light on the nitrided gate oxide layer to determine the nitrogen concentration of at least one nitrided gate oxide layer and controlling the layer formers therefrom, in combination with the remaining limitations in the claim. Claims 17-22 are allowable based on their dependency upon the claim from which each is dependent. Referring to Claim 23, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method of regulating nitrided gate oxide formations comprises partitioning the wafer into grid blocks, directing and collecting scattered light on the gate oxide layer to determine the nitrogen concentration of at least one gate oxide layer corresponding to respective grid blocks, and controlling the layer formers therefrom, in combination with the remaining limitations in the claim. Claims 24-27 are allowable based on their dependency upon the claim from which each is dependent.

*Comments*

4. With regard to the IDS references without publication dates, the Examiner acknowledges that Applicants have been unable to locate, after reasonable inquiry, the dates and other such information which might bring certain references into compliance with 37 CFR §1.98(b)(5). Accordingly, the references identified in the previous Office Action as not complying with §1.98(b)(5) have been withdrawn from consideration.
5. Note that the previous Office Action contained a typographical error concerning the elected claims in the section entitled Comments. Said Office Action should have stated that Claims 8-14 were examined as being claims elected by Applicants following restriction.

*CONCLUSION*

6. Applicants' Claims 8-14 and 16-27 are allowed based on the reasons set forth above.
7. Applicants' Claims 1-7 and 15 have been canceled.
8. Any inquiries concerning this communication from the Examiner should be directed to Vincent P. Barth, whose telephone number is 703-605-0750, and who may be ordinarily reached from 9:00 a.m. to 5:30 p.m., Monday through Friday. The official fax number for communications to the group is 703-872-9306.
9. If attempts to reach the Examiner prove unsuccessful, the Examiner's supervisor is Frank G. Font, who may be reached at 703-308-4881.
10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Richard A. Rosenberger